

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America)	
)	Cr. No. 7:05-526-HMH
)	
vs.)	OPINION & ORDER
)	
Todd Lamar Moss,)	
)	
Movant.)	

This matter is before the court on Todd Lamar Moss’ (“Moss”) third motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. “Before a second or successive [habeas] application . . . is filed in the district court, the appellant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Moss sought authorization to file a successive § 2255 motion, but the United States Court of Appeals for the Fourth Circuit denied Moss’ motion on June 21, 2011. Because Moss has failed to secure the requisite authorization to file a successive § 2255 motion, the court must dismiss the instant motion for lack of subject matter jurisdiction. See United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

It is therefore

ORDERED that Moss' motion to vacate, set aside, or correct his sentence, docket number 204, is summarily dismissed. It is further

ORDERED that a certificate of appealability is denied because Moss has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
December 14, 2011

NOTICE OF RIGHT TO APPEAL

The Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.